

DRIVEWAY ORDINANCE

Sec. 12-20. Definitions

As used in this Article, the following terms shall have the respective meanings ascribed to them:

Access: The travelway for vehicles between the edge of the road and the property line, commonly referred to as the "apron".

Driveway: The travelway for vehicles between the access and the garage or parking area.

Road: Public and private roads, streets or highways, and shall include roads in subdivisions.

Garage/Parking Area: That part of the driveway near or next to the garage or home used as a parking and turnaround area.

Sec. 12-21. Applicability

No person shall construct or cause to be constructed or locate or relocate any driveway or access except in accordance with the provisions of this article; provided, however, the provisions of this article shall not apply to the maintenance and repair of a driveway or access in existence or for which a permit had been issued at the time of the adoption of the ordinance from which this section is derived.

Sec. 12-22. Responsibility of town under this article to improve driveway or access

Nothing in this article shall require the town to repair or improve any driveway or access, or render the town liable to a property owner for failure to make said repair or improvement except where such repair or improvement is made necessary as a result of the widening, repair, maintaining, or relocation of a town road.

Sec. 12-23. Variances

- (a) The Board of Selectmen or its agent may in its discretion determine and vary the application of these provisions where such provisions will otherwise cause practical difficulties or unnecessary hardships in any particular case.
- (b) Variances to the setback requirements of Section 12-35 shall be heard by the Board of Selectmen. Notice shall be given by mail to all property owners who share a common property line from which a set back variance is requested no less than 10 days prior to the Selectmen's meeting on the variance. The applicant shall submit to the Selectmen's office a sufficient number of copies of the proposed plan along with stamped envelopes addressed to each such property owner with his application.

Sec. 12-24. Violations-Penalty

Violation of this article shall bear a penalty as provided in section 1-8 for each offense. Each day a driveway or access exists in violation of this article subsequent to seven (7) days following notice by the Board of Selectmen to the owner of the property, on which said driveway or access is located or to the person in charge of or occupying said property, shall be considered a separate offense under this article.

Sec. 12-25 Prohibited access or egress

- (a) In addition to any other penalties as there may be, the Board of Selectmen is authorized to prohibit access to or egress from any driveway constructed, located or relocated in violation of this article.
- (b) No regular access to or egress from premises by vehicle shall be provided except by an approved driveway and access.

Sec. 12-26 Permit-Required: action by Board

No person shall construct or cause to be constructed or locate or relocate an access or a driveway in the Town without a permit issued by the Board of Selectmen or its agent. The permit shall be acted upon by the Board of Selectmen or its agent within ten (10) legal working days of application.

Sec. 12-27 Application

- (a) Application for such permit shall be made on forms furnished by the office of the Town Engineer and shall be accompanied by an accurate scale drawing showing the locations and dimensions of the proposed driveway and access in relation to the surrounding property lines; the existing road lines for fifty (50) feet on each side of the access; the proposed dimensions and approximate grades of the driveway and the access; and any easements that may have a bearing upon the size and placement of the driveway and access. Where the driveway and access is being installed to serve proposed new construction for which a building or zoning permit is sought, the aforementioned scale drawing shall be incorporated into the plot plan accompanying the application for the building or zoning permit.
- (b) The Town shall not be liable for errors and omissions, and the results thereof, contained in the application.
- (c) Omission of pertinent information shall be grounds for revocation or refusal of permit.

Sec. 12-28 Period; lapse

Permits shall be valid for a period of one year from the date of issuance. If construction is not completed in that period, the Permit shall thereupon terminate.

Sec. 12-29 Fee

A fee of forty dollars (\$40.00) shall accompany the application for the permit mentioned herein.

Sec. 12-30 Prerequisite to issuance of building or zoning permit

A driveway access permit is required prior to the issuance of a building or zoning permit.

Sec. 12-31 Exemption on to state highways; state permits

- (a) Accesses on state highways shall not require permits from the Board of Selectmen, provided same comply with all requirements of the state transportation department and required permits are obtained from the state transportation department, and provided further, a copy of such permit is filed in the office of the Town Engineer along with the applications for a building or zoning permit, prior to the commencement of any work.
- (b) Persons receiving state permits as provided above, shall file an informational form with the Board of Selectmen or its agent before commencing driveway construction. No fee shall be required in connection with said informational form, which shall be furnished by the office of the Town Engineer.

Sec. 12-32 Required zoning permit when in or near wetlands, etc.

- (a) Where an access or a driveway requires filling, cutting or regrading in or near wetlands, watercourses or floodplains, a permit to remove or deposit fill must be obtained from the Planning & Zoning Commission prior to the issuance of a driveway access permit, as per section 348.5(b) of the Town zoning regulations.
- (b) A permit from the Conservation Commission shall be required where applicable.

Sec. 12-33 Performance and indemnity bond

The owner of the premises to be served by the driveway and access shall post a cash bond to guarantee completion of the work and to save harmless the Town from any liability to person or property resulting from performance of the work. The amount of bond required shall be determined by the Board of Selectmen.

Sec. 12-34 Conformance to Town specifications

- (a) The design and construction of the access shall conform to the Town "Standard Specifications for Road Construction of the Town of Weston", which specifications are set out in the subdivision regulations, Appendix B hereof; said specifications are incorporated herein by reference and made a part of this Code.

Sec. 12-34 Conformance to Town Specifications cont'd:

- (b) The portion of the driveway between the edge of pavement and the right-of-way or property line shall consist of a 2" single course of bituminous concrete on a base of 6" crushed run stone or equal approved material, laid on a properly prepared subgrade. Each course shall be properly rolled with a roller suitable for driveway installation.

Sec. 12-35 Intervening distance requirements

- (a) No access shall be located within fifty (50) feet of the intersection of the center lines of two (2) or more roads.
- (b) Not more than one driveway shall be constructed on the same premises unless the distance between accesses is fifty (50) feet or more.
- (c) No access shall be constructed within fifty (50) feet of another, nor shall any driveway, access or garage/parking area be established closer than twenty-five (25) feet to a property side or rear line except:
 - in the case of a common driveway serving two lots with access voluntarily established by the two (2) lot owners with access centered on the common property line where such lots are in conformity with the Weston Zoning Regulations;
 - in the case of a driveway serving one (1) lot, on a lot which has less than required lot frontage where such lot is in conformity with the Weston Zoning Regulations.
- (d) Provisions in this section shall not apply to driveways with access onto a dead-end turnaround.

Sec. 12-36 Road entry angle

A driveway and access shall enter a road at right angles when possible and in no case shall the angle be less than sixty (60) degrees. This shall apply for a distance of forty (40) feet from the centerline of the road.

Sec. 12-37 Access widths; machine-made curbs

- (a) The access serving one (1) lot shall be 12 feet wide at the property line and 15 feet wide at roadway edge. The access and driveway for one lot shall have a minimum right-of-way of 25 feet.
- (b) An access serving two (2) lots shall be 16 feet wide at the property line and 20 feet wide at the roadway edge. The access and driveway for two (2) lots shall have a minimum right-of-way of 30 feet.
- (c) An access entering a curbed roadway shall have machine made curbs tying into the roadway curbing and extending to the = property line.

Sec. 12-37 Access widths; machine-made curbs cont'd:

- (d) Where there is no roadway curbing, the driveway access pavement shall be "feathered" into the roadway pavement.
- (e)) Where there is roadway curbing a two (2) inch lip shall be constructed and maintained by the owner of the premises.

Sec. 12-38 Maximum grade

The grade of the driveway and access shall not exceed three (3) per cent within forty (40) feet from the center line of the travelway.

Sec. 12-39 View of road; car length platform

- (a) The view of the edge of the road being entered shall be unobstructed for a distance of fifty (50) feet in each direction from a point eight (8) feet back from the edge of the existing or proposed travelway at a height of four (4) feet.
- (b) A car length platform must be constructed between the access and the driveway in cases where the grade of the driveway exceeds three (3) per cent past the access.

Sec. 12-40 Drainage-Installation and maintenance of paved lip

When determined by the Board of Selectmen or its agent to prevent road drainage from entering a driveway or access, a paved lip shall be constructed and maintained by the owner of the premises.

Sec. 12-41 Installation and maintenance of culvert

When determined by the Board of Selectmen or its agent that the driveway or access will interfere with drainage, culverts with appropriate proper design, location, and capacity shall be installed and maintained by the owner of the premises.

Sec. 12-42 Installation and maintenance of ditches, catch basins, and other devices

Water from a driveway or access must be diverted or intercepted before reaching the roadway travel path. Necessary ditches, catch basins or other devices as shall be determined by the Board of Selectmen or its agent shall be constructed and maintained by the owner of the premises.

Sec. 12-43 Repeal of April 3, 1974 ordinance

The ordinance of the Town of Weston entitled "Driveway Ordinance", adopted on April 3, 1974, was changed and amended -- such changes and amendments which became effective July 23, 1986.